

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FIJI FUNDING LLC,

Plaintiff,

- against -

PENIEL ENVIRONMENTAL SOLUTIONS LLC
and EARL ROBERT COOK,

Defendants.
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7:22-CV-05687-KMK

**DEFAULT
JUDGMENT**

This action having been commenced by plaintiff Fiji Funding LLC (“Plaintiff”) on June 1, 2022, with the filing of a Summons and Verified Complaint in the Supreme Court of the State of New York, Sullivan County, and

The action having been removed by defendants Peniel Environmental Solutions, LLC and Earl Robert Cook (the “Defendants”), represented by legal counsel admitted in this Court, to this Court on diversity grounds on July 5, 2022; and

Defendants having filed an Answer represented by counsel admitted in this Court on September 9, 2022 in which they did not assert service or personal jurisdiction defenses; and

The Court having granted the motion of Defendants’ attorney to withdraw as counsel by Memo Endorsement signed on October 26, 2022 and having ordered the Defendants to retain new counsel and appear for a status conference on November 9, 2022 at 2:30 P.M.; and

The Defendants having failed to appear in this action by new counsel or pro se after the withdrawal of their counsel and having failed to appear for the November 9, 2022 status conference or to otherwise defend this action after the withdrawal of its counsel; and

The Court having directed Plaintiff to seek a default judgment against Defendants by reason of the foregoing; and

The Summons and Verified Complaint and accompanying Greenes Affidavit having demonstrated Plaintiff’s entitlement to \$383,745.04 in damages for breach of contract and accompanying guaranty of performance executed by the Defendants; and

Plaintiff having waived its right to contractual default fees, statutory interest, attorneys’ fees, costs and disbursements; it is hereby,

ORDERED, ADJUDGED AND DECREED: That the plaintiff have judgment against the Defendants, Peniel Environmental Solutions, LLC, and Earl Robert Cook, located at 778 Elm Street, Suite C, Milford, NH 03055, jointly and severally, in the liquidated amount of \$383,745.04.

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Dated: New York, New York 2/22/23

 U.S.D.J.

This document was entered on the docket on _____.